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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/750,427 | 12/31/2003 | Frank Fago | L-F/217/273 | 1785 |
| 7590 09/25/2009 WOOD, HERRON & EVANS, L.L.P. 2700 Carew Tower 441 Vine St. Cincinnati, OH 45202 | | | | |
| EXAMINER VU, QUYNH-NHU HOANG | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3763 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 09/25/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/750,427

Applicant(s)

FAGO ET AL.

Examiner

QUYNH-NHU H. VU

Art Unit

3763

All participants (applicant, applicant's representative, PTO personnel):

(1) QUYNH-NHU H. VU.

(3) Thomas W. Humphrey.

(2) Nick Lucchesi.

(4) ____.

Date of Interview: 20 July 2009.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: ____.

Claim(s) discussed: 9, 12, 18, 32 and 38.

Identification of prior art discussed: Duchon et al. (US 2004/0133165).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: During the interview, claims 9, 12, 18, 32 and 38 were discussed. The prior art (Duchon et al.) does not teach that a second fill rate is faster than a first fill rate as recited in claims 9, 12, 18, 32 and 38. During the interview, the Examiner requested Restriction/Election between the method and device claims. Applicant would like to choose the method claims 9-17, 28-29, 32-101 and withdrawn the apparatus claims 18-21, 23, 25, 27, 30, 31.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Quynh-Nhu H. Vu/
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763